

# EXHIBIT A

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58

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**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

## GENERAL INFORMATION

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA  
WILLIAM UPTON ET AL v. PLANTATION PIPE LINE COMPANY ET AL

**First Plaintiff:** ☐ Business ☒ Individual **First Defendant:** ☒ Business ☐ Individual  
☐ Government ☐ Other ☐ Government ☐ Other

**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:

## TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonness
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice-Medical
- ☐ TOLM - Malpractice-Legal
- ☐ TOOM - Malpractice-Other
- ☐ TBFM - Fraud/Bad Faith/Misrepresentation
- ☐ TOXX - Other:

## TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property  
☒ TORE - Real Property

## OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
- ☐ ACCT - Account & Nonmortgage
- ☐ APAA - Administrative Agency Appeal
- ☐ ADPA - Administrative Procedure Act
- ☐ ANPS - Adults in Need of Protective Service

## OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- ☐ CVRT - Civil Rights
- ☐ COND - Condemnation/Eminent Domain/Right-of-Way
- ☐ CTMP - Contempt of Court
- ☐ CONT - Contract/Ejectment/Writ of Seizure
- ☐ TOCN - Conversion
- ☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- ☐ CVUD - Eviction Appeal/Unlawful Detainer
- ☐ FORJ - Foreign Judgment
- ☐ FORF - Fruits of Crime Forfeiture
- ☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- ☐ PFAB - Protection From Abuse
- ☐ FELA - Railroad/Seaman (FELA)
- ☐ RPRO - Real Property
- ☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- ☐ COMP - Workers' Compensation
- ☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F ☒ INITIAL FILING

R ☐ REMANDED

A ☐ APPEAL FROM  
DISTRICT COURT

T ☐ TRANSFERRED FROM  
OTHER CIRCUIT COURT

0 ☐ OTHER

HAS JURY TRIAL BEEN DEMANDED? ☒ YES ☐ NO

**Note:** Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P. for procedure)

RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

FRI018

3/30/2017 7:43:08 PM

Date \_\_\_\_\_

/s/ JEFFREY E. FRIEDMAN

Signature of Attorney/Party filing this form

**MEDIATION REQUESTED:** ☐ YES ☐ NO ☒ UNDECIDED



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILLIAM UPTON, WINWOOD, )  
LAND HOLDINGS, LLC, PAUL )  
YEAGER, CLARA YEAGER, PAUL )  
YEAGER, JR., MARCO BONILLA, )  
and CLARA JILL YEAGER BONNILA.)

Plaintiffs, )

vs. )

Case No.: \_\_\_\_\_  
**JURY TRIAL DEMANDED**

PLANTATION PIPE LINE COMPANY, )  
KINDER MORGAN ENERGY )  
PARTNERS, L.P., KINDER )  
MORGAN MANAGEMENT, LLC, )  
KINDER MORGAN, INC., KINDER )  
MORGAN G.P., INC., KINDER )  
MORGAN OPERATING, L.P. "A," )  
KINDER MORGAN OPERATING, )  
L.P. "B," CH2M HILL, CH2M HILL )  
ENGINEERS, INC., BHATE )  
ENVIRONMENTAL ASSOCIATES )  
INC. and fictitious defendants )  
A, B, and C, )

Defendants. )

**COMPLAINT**

**STATEMENT OF THE CASE**

1. The named Plaintiffs bring this suit against Plantation Pipe Line Company ("Plantation"), Kinder Morgan Energy Partners, L.P., Kinder Morgan Management, LLC, Kinder Morgan, Inc., Kinder Morgan G.P., Inc., Kinder Morgan Operating, L.P. "A," Kinder Morgan Operating, L.P. "B," ("Kinder Morgan"), CH2M Hill, CH2M Hill Engineers, Inc., Bhate Environmental Associates, Inc. and fictitious Defendants A, B and

C, all collectively referred to herein as “Defendants” for negligence, negligence per se, gross negligence, trespass, nuisance, wanton and reckless conduct and strict liability as a result of the Defendants’ continuous and ongoing petroleum contamination of the Plaintiffs’ properties as well as Defendants failure to properly remediate, clean-up and/or prevent ongoing and continuous petroleum contamination of the Plaintiffs’ properties.

2. The Plantation and Kinder Morgan Defendants knowingly allowed their underground petroleum pipelines to fall into such a state of decrepitude that a release of petroleum onto the Plaintiffs’ properties was not only foreseeable, but inevitable. All Defendants failed to properly evaluate the scope and scale of contamination design and failed to implement appropriate clean-up and remediation in order to prevent ongoing and continuing contamination of Plaintiffs’ properties. Further, the Defendants have misreported and otherwise manipulated data so that the true extent of the petroleum contamination reported to regulatory authorities was minimized.

3. The Kinder Morgan/Plantation Pipeline is one of the longest refined petroleum pipelines in the United States. The pipeline is a 3,100-mile network that travels in part through Shelby County, Alabama, and under or otherwise in close proximity to the Plaintiffs’ properties. It was constructed nearly 60 years ago, and has failed time and time again, as have a multitude of Kinder Morgan pipelines. The pipeline was replete with old, deficient repairs that were or should have been known to the Defendants, including the old, deficient pipeline repair that failed, causing damage to the plaintiffs.

4. Petroleum contains a host of chemicals that are harmful to the environment

and human health—namely benzene, a known carcinogen. The CH2M and Bhate Defendants were responsible for assessing the scope of contamination and pollution and developing of clean-up and remediation protocols to protect the Plaintiffs’ properties and the environment. The Plaintiffs’ seek damages from the Defendants, jointly and severally, for forever and irretrievably damaging the properties where the Plaintiffs reside, conduct business and otherwise recreate with their families.

5. The Plaintiffs bring the instant case because the Defendants’ pipeline’s failure and subsequent improper and ineffective remediation have discharged tens of thousands of gallons of petroleum under and onto the Plaintiffs’ properties including the air, soils, surface waters and ground waters. The petroleum contamination has been allowed to move and migrate so that it continually seeps from natural springs onto the surface of the Plaintiffs’ properties and into surface waters. This contamination has impacted natural aquifers and has reached and continues to reach Peavine Creek, a tributary to the Cahaba River.

6. The Plaintiffs continue to smell the odor of gasoline and continue to observe petroleum seeping from natural springs on the Plaintiffs’ properties. While the Defendants responded and attributed the release to its 30 inch pipeline on the western ridge crest of Double Mountain, the free flow of petroleum product continues to rise to the surface of Plaintiffs’ properties and continues to run into the creeks and streams on Plaintiffs properties. Plaintiffs continue to smell the odor of gasoline in the air. In late 2016, ADEM ordered the Defendants to drill additional monitoring wells on Plaintiffs’

properties because the Defendants' gasoline plume was ill-defined and because ongoing sampling and testing showed that pollution levels on and in the vicinity of Plaintiffs' properties was increasing.

7. Recent testing on and in the vicinity of the Plaintiffs' properties indicates higher levels of petroleum constituents now than when the same tests were performed previously. The contamination has not been adequately investigated, contained, cleaned-up, remediated and/or abated, and continues to the present day to cause substantial damages to Plaintiffs and Plaintiffs' properties. Defendants' remediation efforts have been ineffective and unsuccessful and have also substantially damaged the surface rights and characteristics of the Plaintiffs' properties by drilling multiple testing and recovery wells, excavating soils, and by the spreading gravel and operation of heavy equipment.

8. The Defendants are required by regulatory authorities to provide estimates of the amount of gasoline that spilled from their pipeline. Upon information and belief, the CH2M Defendants participated in and assisted the Kinder Morgan and Plantation Defendants in arriving at these estimates. The Defendants have publically reported to regulators that 919 barrels (38,598 gallons) of gasoline spilled from the pipeline. However, the Defendants have misrepresented and concealed the actual amount of the spill which they have internally estimated to be 2,583 barrels (108,489 gallons).

9. In addition, Bhate Environmental Associates, Inc., has failed to perform necessary sampling and testing of surface waters, ground waters and/or soil conditions so as to properly delineate the scope of the gasoline contamination. For example, Bhate has

refused and/or failed to test areas known to be contaminated while testing areas where the Defendants were reasonably certain they would not find contamination. This has resulted in the Defendants' ability to minimize the extent of the damage and allow Defendants to manipulate data to be reported to regulatory agencies.

10. Strong noxious odors from the Defendants' petroleum releases, which consist of gasoline fumes that are harmful and/or destructive to living beings, characterize the tranquil properties and ridge lines owned by the Plaintiffs. Defendants' petroleum and the residual effects of the Defendants petroleum have permanently discolored the beds of Plaintiffs streams and lands and have created a thick gelatinous brown substance that has migrated downstream of Defendants' spill across the Plaintiffs' properties and towards Peavine Creek.

11. The Plaintiffs seek damages from the Defendants, jointly and severally, for proximately causing the petroleum release, improperly evaluating and/or remediating the petroleum release and the ensuing physical damage and stigma caused to their properties. The Plaintiffs also seek damages from the Defendants', jointly and severally, for all damages resulting from the inadequate and ineffective previous repair of the pipelines, inadequate and ineffective remediation and/or inadequate or ineffective effort to remove petroleum from their properties, including surface and ground waters. The Plaintiffs seek compensation for damage to their surface property rights, the permanent nature of the injury to their properties, as well as the loss of the quiet and peaceful enjoyment of their lands.

12. The Defendants' actions, and certainly their inactions, have created a private nuisance that has damaged the Plaintiffs' properties and created environmental problems (including stigma to the properties) that will continue to harm the Plaintiffs and their family members for decades to come.

### **JURISDICTION AND VENUE**

13. This Court has jurisdiction over this action because the gasoline pipeline spill occurred in Shelby County, Alabama and because the Defendants' wrongful conduct giving rise to Plaintiffs' claims occurred in Shelby County, Alabama. All named Plaintiffs are residents of Shelby County, Alabama and all Plaintiffs' properties are located in Shelby County, Alabama. The Defendants all conduct business in Shelby County, Alabama and/or own property in Shelby County, Alabama.

14. Venue is also proper in Shelby County, Alabama because a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in Shelby County, Alabama, and because the properties that are the subject of this action are situated in Shelby County, Alabama.

15. Plaintiffs' State-law claims involve no Federal questions and the amounts in controversy, individually and cumulatively, exceed the minimum jurisdictional limits of this Court.

### **PARTIES**

16. Plaintiff William Upton is an adult resident of Pelham, Alabama, residing at



4848 Highway 11, Pelham, Alabama 35124. Mr. Upton owns land impacted by the petroleum spill in Shelby County, Alabama identified by Shelby County Parcel # 14 5 16 0 000 012.000. Mr. Upton continues to experience interference with the use and enjoyment of his property and the value of his property has diminished as a result of the Defendants' acts and/or omissions.

17. Plaintiff Winwood Land Holdings, LLC is a corporate resident of Shelby County, Alabama, which owns property impacted by the petroleum release in Shelby County, Alabama identified as Shelby County Parcel # 14 5 16 0 000 012.000. Winwood Land Holdings, LLC continues to experience loss of value of its property as a result of the Defendants' acts and/or omissions.

18. Plaintiffs Paul Yeager, Clara Yeager and Paul Yeager, Jr. are adult residents of Pelham, Alabama, residing at 101 Yeager Farm Road, Pelham, Alabama 35124. The Yeagers own land impacted by the petroleum spill in Shelby County, Alabama identified as Shelby County Parcel #s 14 5 21 0 000 001.000, 14 5 21 0 000 001.022, 14 5 21 0 000 002.023, and 14 5 21 0 000 002.024. The Yeagers continue to experience interference with the use of their property and the value of their property has diminished as a result of the Defendants' acts and/or omissions.

19. Plaintiffs Marco Bonilla and Clara Jill Yeager Bonilla are adult residents of Pelham, Alabama, residing at 100 Yeager Farm Road, Pelham, Alabama 35124. Mr. and Mrs. Bonilla own land impacted by the petroleum spill in Shelby County, Alabama identified as Shelby County Parcel # 14 5 21 0 000 002.022. Mr. and Mrs. Bonilla continue

to experience interference with the use of their property and the value of their property has diminished as a result of the Defendants' acts and/or omissions.

20. Defendant Plantation Pipe Line Company is a corporation located at 1000 Windward Concourse, Suite 450, Alpharetta, Georgia. Plantation is responsible for the ownership, operation, and maintenance of the Plantation Pipeline as well as the remediation and clean-up of the contamination impacting the Plaintiffs' properties.

21. Defendant Kinder Morgan Energy Partners, L.P. ("KMP") is a limited partnership organized under the laws of the State of Delaware, with its principal executive offices located in Houston, Texas. KMP is the largest independent owner and operator of petroleum product pipelines in the United States, owning and/or operating approximately 84,000 miles of pipelines, including the Plantation Pipeline at issue. Further, KMP does business in Alabama maintaining a terminal at 2635 Balsam Avenue, Birmingham, Alabama 35211 and offices at Brookwood Village in Homewood, Alabama. KMP is responsible for the ownership, operation, and maintenance of the Plantation Pipeline as well as the remediation and clean-up of the contamination impacting the Plaintiffs' properties. KMP is the owner of Defendants Kinder Morgan Operating, L.P. "A" and "B."

22. Kinder Morgan Management, LLC ("KMM") is organized under the laws of the State of Delaware, with its principal executive offices at the same location as KMP in Houston, Texas. KMM, through its partnerships, owns and operates petroleum pipelines throughout the United States, including the Plantation Pipeline at issue and KMM does

business in Alabama maintaining a terminal at 2635 Balsam Avenue, Birmingham, Alabama 35211 and offices at Brookwood Village in Homewood, Alabama. Further, KMM manages and controls the business and affairs of KMP through a delegation of control agreement, among other things. KMM is responsible for the ownership, operation, and maintenance of the Plantation Pipeline as well as the remediation and clean-up of the contamination impacting the Plaintiffs' properties.

23. Kinder Morgan G.P., Inc. ("KMGP") is a corporation organized under the laws of the State of Delaware, with its principal executive offices at the same location as KMP in Houston, Texas. KMGP is the general partner of KMP, and also is the wholly-owned subsidiary of Kinder Morgan, Inc. ("KMI"). KMGP is entirely controlled and dominated by KMI, and KMI utilizes KMGP to control KMP's daily operations and management. As KMGP controls the daily management and operations of KMP, including the management and operation of the pipeline running through Alabama, KMGP does business in Alabama maintaining a terminal at 2635 Balsam Avenue, Birmingham, Alabama 35211 and offices at Brookwood Village in Homewood, Alabama. KMGP is responsible for the ownership, operation, and maintenance of the Plantation Pipeline as well as the remediation and clean-up of the contamination impacting the Plaintiffs' properties.

24. Kinder Morgan, Inc., ("KMI") is a corporation organized under the laws of the State of Delaware, with its principal executive offices at the same location as KMP in Houston, Texas. KMI controls and dominates the business and operations of KMP,

including the operation and maintenance of the pipeline which runs through Alabama, and does business in Alabama maintaining a terminal at 2635 Balsam Avenue, Birmingham, Alabama 35211 and offices at Brookwood Village in Homewood, Alabama. KMI is responsible for the ownership, operation, and maintenance of the Plantation Pipeline as well as the remediation and clean-up of the contamination impacting the Plaintiffs' properties.

25. Upon information and belief, KMP has not had its own board of directors or management, but has relied entirely on KMI. KMI has used KMM and KMGP to control KMP's business. Upon information and belief, Defendant Plantation Pipeline has no employees. Upon information and belief, at some point in time Defendants KMP and KMM merged into KMI.

26. Defendants CH2M Hill Engineers, Inc., CH2M Hill and/or CH2M are private corporations headquartered at 6600 Peachtree Dunwoody Road, 400 Embassy Row, Atlanta, GA 30328 and are responsible for the environmental evaluation, clean-up and/or remediation of the gasoline contamination. The CH2M Defendants are Kinder Morgan/Plantation's go to environmental remediation contractors for petroleum spills nationwide. The CH2M Defendants are actively involved in other gasoline spills from Kinder Morgan/Plantation pipelines, including a spill in South Carolina.

27. Defendant Bhate Environmental Associates, Inc., is a private corporation headquartered at 1608 13<sup>th</sup> Avenue South, Suite 300, Birmingham, Alabama 35205 and, along with CH2M Hill, Plantation and Kinder Morgan Defendants, were responsible for

the environmental evaluation, testing, sampling, reporting, clean-up and/or remediation of the gasoline contamination.

28. Fictitious Defendant “A,” whether singular or plural, is the entity, entities, individual or individuals whose negligence, wantonness, nuisance, trespass or other wrongful conduct caused or contributed to cause the occurrence made the basis of Plaintiffs’ Complaint.

29. Fictitious Defendant “B,” whether singular or plural, is the entity, entities, individual or individuals whose negligence or wantonness caused or contributed to cause the pipeline failure made the basis of Plaintiffs’ Complaint.

30. Fictitious Defendant “C,” whether singular or plural, is the entity, entities, individual or individuals whose negligence or wantonness during clean-up and remediation caused or contributed to cause the occurrence made the basis of Plaintiffs’ Complaint.

### **FACTUAL ALLEGATIONS**

31. The Kinder Morgan/Plantation Defendants own, operate, and are legally responsible for the petroleum pipelines running under, through and/or in close proximity to the Plaintiffs’ properties. The Plantation Pipeline is a 3,100-mile pipeline network that delivers approximately 600,000 barrels of gasoline, jet fuel, diesel, and biodiesel per day to a myriad of consumers. There are 42 gallons of petroleum in each barrel. Defendants publically claim to be able to transport one gallon of petroleum product over 1,000 miles for less than three cents. These pipelines were constructed decades ago, and extend from Texas and Louisiana across numerous Southern and Eastern states. The Defendants’

pipelines pass through Shelby County, Alabama on their way East.

32. Kinder Morgan is one of the largest energy infrastructure corporations in North America. Kinder Morgan acquired a controlling interest of Plantation in the year 1999. Kinder Morgan continues to own and operate Plantation to date. All former Plantation employees are now Kinder Morgan employees.

33. Defendant KMI dominates and controls Plantation by and through Kinder Morgan Entities KMP and KMGP. KMI controls and directs capital expenditures for pipeline maintenance and therefore KMI has the ability to maximize its own wealth by reducing capital expenditures for pipeline maintenance. KMI does this through its control owner KMP and KMGP. The failure to appropriate and allocate necessary expenditures for pipeline maintenance leads to pipeline failures, such as the failure at issue in this case. The resulting damage to the environment as well as public safety is well known in Alabama considering the pipeline disasters that have occurred which have garnered local and national headlines.

34. In 2014, various Kinder Morgan entities filed suit against KMI in the Circuit Court of Chancery in the State of Delaware arising out of and relating to allegations of mismanagement on the part of KMI that concerned the manner in which KMI allocated and/or refused to allocate capital expenditures for pipeline maintenance. KMI settled that litigation in 2015 for nearly \$28 million and other considerations.

35. The Defendants, through an absence of maintenance, regular inspection and adequate funding, have allowed their pipelines and component parts to age beyond

function, to a level where a pollution event was not just foreseeable– it was inevitable. This incident is but another environmental disaster at the hands of the Defendants given their documented history of destruction by neglect.

36. The Defendants have been responsible for compliance with all applicable laws and legal standards since acquiring, constructing, maintaining and/or servicing these pipelines. It has and continues to be the Defendants legal duty to operate the pipelines in an environmentally conscious manner that promotes the health and safety of the public.

37. Plaintiffs are the owners of land adjacent and contiguous to the Defendants' Right of Way for their respective pipelines. The pristine land is maintained partially as a equestrian center, private residences and/or recreational areas. The property is used for recreational hunting and fishing, and as a place the Plaintiffs can be with friends and family. Plaintiffs have been unable to use wells as a result of the spill and have incurred expenses for purchasing water. The Plaintiffs have lost business opportunities as a result of the Defendants' gasoline spill.

38. On or about August 21, 2014, neighboring landowners observed petroleum pooling in a stream along the valley floor on the eastern side of Double Mountain in Shelby County, Alabama. Defendants thereafter determined that the petroleum product was coming from a leak in an old, improperly repaired section of the Plaintiffs' 30 inch pipeline near the crest of the western ridge of Double Mountain. Remediation and clean-up efforts have continued over the past couple of years.

39. Tests pits established during the emergency clean-up efforts indicated that

the fill material surrounding the Shelby County Water Service's 30-inch potable-water main was contaminated with petroleum and petroleum constituent matter. This includes known and hazardous carcinogens, such as benzene.

40. In the initial clean-up effort by the Defendants, a reported 14,000 gallons of gasoline were recovered using underflow dams, product interceptor trenches, and vacuum trucks in the valley on the eastern side of the western ridge of Double Mountain. However, a far more substantial amount of gasoline remains in the ground and has been permitted to migrate beneath the Plaintiffs' properties along the western side and the ridge of Double Mountain and continues to rise to the surface and seep into streams and onto the land, continuously and substantially damaging the Plaintiffs' properties to date. The Defendants focused their clean-up and remediation effort in the eastern valley while allowing gasoline contamination to spread and migrate along the ridge of the western side of Double Mountain towards the Plaintiffs' properties.

41. While the clean-up began in August of 2014, evidence confirms that there continues to be petroleum product and petroleum constituents in the ground and the water. Recent submissions to the Alabama Department of Environmental Management (ADEM) indicate the spill zone may extend far beyond the emergency clean-up efforts. Petroleum and its constituents flowing across the Plaintiffs' properties have entered Peavine Creek, a tributary to the Cahaba River.

42. As the direct and proximate result of the Defendant's acts and omissions, the Plaintiffs have experienced physical property damage, land-value diminution, loss of



enjoyment and use, emotional distress and mental anguish and continuous nuisance from the lengthy, insufficient, incomplete, and in some instances incompetent clean-up and pipeline repair efforts. The Defendants' pollution and contamination is an ongoing and continuing nuisance that will last for decades.

43. The Defendants' acts and omissions have combined and concurred to cause the Plaintiffs' damages and, as such, Defendants are jointly and severally liable for the Plaintiffs' damages.

### **CLAIMS**

#### **COUNT ONE - NEGLIGENCE**

44. Paragraphs 1 through 43 of this Complaint are hereby re-alleged and incorporated by reference herein.

45. At all times relevant hereto, the Kinder Morgan and Plantation Defendants owed a duty to operate and maintain their pipelines to prevent the release of petroleum onto and adjacent to the Plaintiffs' properties. This duty includes, but is not limited to, ensuring that old, substandard repairs are not allowed to remain on the pipeline.

46. At all times relevant hereto, the CH2M and Bhate Defendants owed a duty to properly sample, test, clean-up, monitor and otherwise remediate the gasoline contamination so that the contamination did not spread onto and under the Plaintiffs' properties.

47. Defendants breached their duty of care by constructing, operating, and maintaining their pipelines in such a manner as to negligently cause, permit, and/or allow

the release of petroleum, which resulted in the massive discharge of petroleum and other harmful contaminants onto the Plaintiffs' properties. The Defendants had actual and/or constructive knowledge that old areas of repair did not meet more current repair standards. In addition, these Defendants were aware that their current inspection and monitoring systems were not sufficient to ensure pipeline integrity.

48. Defendants breached the duty of care by failing to take adequate, reasonable, or sufficient measures to prevent any release of petroleum from their pipelines, which proximately caused the massive dissemination of petroleum onto the Plaintiffs' properties and adjacent lands.

49. Defendants failed to exercise due care in order to prevent their pipelines from leaking, resulting in the massive discharge of petroleum onto the Plaintiffs' properties and adjacent lands.

50. Defendants knew or should have known that its construction, operation, and inadequate maintenance of their pipelines would ultimately result in a failure or a release, causing the massive and ongoing discharge of petroleum on the Plaintiffs' properties.

51. The Defendants failed to exercise due care as part of their clean-up, remediation, sampling and/or testing of the gasoline contamination which has allowed the contamination to spread resulting in ongoing and continuing damage to the Plaintiffs and their properties.

52. Defendants' negligent acts and/or omissions as described above are ongoing and continuous in nature and proximately caused and continue to proximately cause

damage to the Plaintiffs in the form of real and personal property damage, economic loss, out of pocket expenses, loss of quality of life, aggravation and inconvenience, and the creation of conditions that are harmful to human health and the environment, all for which Defendants are, jointly and severally, liable in damages. To compound the problem, the Defendants' wholly insufficient clean-up effort forces the Plaintiffs' to bear the burden of the remaining clean-up expenses.

**COUNT TWO - WANTON AND WILFUL CONDUCT**

53. Paragraphs 1 through 52 of this Complaint are hereby realleged and incorporated by reference herein.

54. Defendants' acts and/or omissions in the construction, operation, and maintenance of their pipelines in Shelby County and/or the clean-up, testing, sampling and remediation constituted a reckless or conscious disregard for the rights or safety of the Plaintiffs' well-being and property.

55. Defendants were aware that under the circumstances, actual and substantial harm would arise from the acts and/or omissions in the construction, operation, and maintenance of their pipelines as well as their conduct during the clean-up, testing, sampling and remediation.

56. These acts and/or omissions of Defendants are ongoing and continuous in nature, intentional, willful, wanton, reckless, illegal, or were done with conscious and deliberate disregard for the property, safety, and rights of the Plaintiffs.

**COUNT THREE - GROSS NEGLIGENCE**

57. Paragraphs 1 through 56 of this Complaint are hereby re-alleged and incorporated by reference herein.

58. Defendants' acts and/or omissions in connection with the construction, operation, and maintenance of their pipelines in Shelby County as well as their conduct during the clean-up, testing sampling and remediation were done with a blatant disregard for the rights, safety, and health of the Plaintiffs, resulting in the catastrophic petroleum release and widespread ongoing contamination that has and continues to damage the Plaintiffs in perpetuity.

59. Defendants' acts and/or omissions in the construction, operation, and maintenance of their pipelines, as well as the Defendants' inadequate, incomplete, and wholly insufficient clean-up effort were conducted with a reckless disregard for the rights and health the Plaintiffs— so much so that a conscious indifference to the consequences is evident on its face, or at a minimum, should be implied.

60. The Defendants' acts and omissions caused, continue to cause and will cause in the future, damage to the Plaintiffs in the form of real and personal property damage, out of pocket expenses, loss of quality of life, aggravation and inconvenience, and the creation of conditions that are harmful to human health and the environment, for which Defendants are, jointly and severally, liable in damages.

**COUNT FOUR - TRESPASS**

61. Paragraphs 1 through 60 of this Complaint are hereby re-alleged and

incorporated by reference herein.

62. The Defendants' intentional acts and/or omissions have caused and continue to cause petroleum and its constituent matter to enter the Plaintiffs' properties over their loudly voiced objections. This knowing and deliberate invasion of the Plaintiffs' properties rights constitutes a trespass under Alabama law. The Defendants' acts and omissions are continuing to date.

63. Defendants' unconsented to invasion and trespass has caused and continues to cause damage to Plaintiffs in the form of substantial real and personal property damages, out of pocket expenses, loss of quality of life, aggravation and inconvenience, and the creation of conditions that are harmful to human health and the environment, all of which the Defendants are jointly and severally, liable for in damages.

#### **COUNT FIVE - NUISANCE**

64. Paragraphs 1 through 63 of this Complaint are hereby re-alleged and incorporated by reference herein.

65. Defendants' acts and/or omissions in the construction, operation, and maintenance of their pipelines as well as Defendants' conduct during the ongoing clean-up, testing, sampling and remediation have created a private nuisance, which infringes on the rights of the Plaintiff every day that the nuisance is allowed to continue.

66. Defendants' acts and/or omissions are continuous in nature and give rise to this claim of private nuisance and have caused and continue to cause a substantial and unreasonable interference with Plaintiffs' use and enjoyment of their properties, because

the Defendants' acts and/or omissions have prevented the Plaintiffs from utilizing and enjoying their properties in the manner in which they intend.

67. Defendants' unreasonable interference with the Plaintiffs' use and enjoyment of their properties has caused and will cause damage to the Plaintiffs in the form of real and personal property damage, out of pocket expenses, loss of quality of life, aggravation and inconvenience, and the creation of conditions that are harmful to human health and the environment, for which Defendants are jointly and severally liable in damages.

#### **COUNT SIX - STRICT LIABILITY**

68. Paragraphs 1 through 67 of this Complaint are hereby re-alleged and incorporated by reference herein.

69. Defendants have engaged in and continue to engage in an ultra-hazardous and abnormally dangerous activity by discharging and/or failing to properly clean-up and remediate petroleum on the Plaintiffs' properties, near people, a potable water main, and wildlife.

70. Defendants are jointly and severally strictly liable for all damages resulting from its acts, including but not limited to real and personal property damages, economic and recreational loss, out of pocket expenses, loss of quality of life, aggravation and inconvenience, and the creation of conditions that are harmful to human health and the environment.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment, jointly and severally, against Defendant Plantation, the Defendant Kinder Morgan entities, Defendant Bhate and Defendant CH2M entities as follows:

- a. Award Plaintiffs compensatory damages in an amount to be determined by a jury sufficient to compensate the Plaintiffs for all real and personal property damage, emotional distress and mental anguish, economic loss, out of pocket expenses, loss of use of property, loss of quality of life, and aggravation and inconvenience;
- b. An award to Plaintiffs in an amount sufficient to compensate them for the emotional distress caused by Defendants wanton conduct and trespass with insult and contumely;
- c. An award to Plaintiffs in exemplary or punitive damages in an amount sufficient to punish Defendants for their gross negligence, wanton and willful conduct and to deter future gross conduct;
- d. An order directing Defendants to completely remediate all petroleum contamination, all associated contamination, and all surface damage on the Plaintiffs' properties, and from lands, sediments, and waters surrounding the Plaintiffs' properties;
- e. An award of Plaintiffs' post-judgment interest, costs, and reasonable attorneys' fees as applicable; and
- f. Order such other and further relief as the Court may deem just and proper.

**A JURY TRIAL IS REQUESTED AS TO ALL ISSUES SO  
TRIABLE TO A JURY IN THIS CASE**

Respectfully submitted,

/s/ Jeff Friedman

Jeff Friedman (FRI018)

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**SERVICE ON DEFENDANTS VIA CERTIFIED MAIL:**

Plantation Pipe Line Company

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan Energy Partners, L.P.

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan Management, LLC

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Kinder Morgan, Inc.

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104



Kinder Morgan G.P., Inc.  
c/o CT Corporation System  
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Montgomery, AL 36104

Kinder Morgan Operating, L.P. "A"  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

Kinder Morgan Operating, L.P. "B"  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

CH2M Hill, Inc.  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

CH2M Hill Engineers, Inc.  
c/o CT Corporation System  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

Bhate Environmental Associates, Inc.  
1608 13<sup>th</sup> Avenue South  
Suite 300  
Birmingham, AL 35205



ELECTRONICALLY FILED  
3/30/2017 7:43 PM  
58-CV-2017-900308.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILLIAM UPTON, WINWOOD, )  
LAND HOLDINGS, LLC, PAUL )  
YEAGER, CLARA YEAGER, PAUL )  
YEAGER, JR., MARCO BONILLA, )  
and CLARA JILL YEAGER BONNILA.)

Plaintiffs, )

vs. )

Case No.: \_\_\_\_\_

PLANTATION PIPE LINE COMPANY, )  
KINDER MORGAN ENERGY )  
PARTNERS, L.P., KINDER )  
MORGAN MANAGEMENT, LLC, )  
KINDER MORGAN, INC., KINDER )  
MORGAN G.P., INC., KINDER )  
MORGAN OPERATING, L.P. "A," )  
KINDER MORGAN OPERATING, )  
L.P. "B," CH2M HILL, CH2M HILL )  
ENGINEERS, INC., BHATE )  
ENVIRONMENTAL ASSOCIATES )  
INC. and fictitious defendants )  
A, B, and C, )

Defendants. )

**PLAINTIFFS' CONSOLIDATED NOTICE OF RULE 30(B)(5) and (6)**  
**DEPOSITIONS OF DEFENDANTS CH2M HILL,**  
**CH2M HILL ENGINEERS, INC., and**  
**BHATE ENVIRONMENTAL ASSOCIATES, INC.**

**PLEASE TAKE NOTICE** that, under *Alabama Rule of Civil Procedure* 30(b)(5) and (6), the Plaintiffs will take the oral and videotaped depositions of Defendants CH2M Hill, CH2M Hill Engineers, Inc., and Bhate Environmental Associates, Inc., separately and severally, beginning on certain date(s) **TBD and at a location or locations TBD.**

Pursuant to *Alabama Rule of Civil Procedure* 30(b)(5) and (6), each deponent shall designate and produce at said deposition those of its officers, directors, managing agents, employees, or agents who are qualified to testify on behalf of the Defendant(s) as to those matters set forth in this Notice under the heading "Designated Issues" to the extent of any information known or reasonably available to the deponent.

It is intended that this deposition will be taken by audio visual means and by ordinary stenographic means before a Notary Public and Court Reporter, or other authorized and qualified person, for the purpose of discovery, or for use as evidence at the trial of this action, or for both purposes, pursuant to the *Alabama Rules of Civil Procedure*.

**NOTICE IS FURTHER GIVEN** that the deponent(s) will be deposed concerning the following issues:

**DESIGNATED ISSUES**

For purposes of the following Designated Issues and this Deposition Notice of Defendants, the following definitions will apply: (a) the term "spill" and/or "incident" shall mean the remediation, clean-up and/or testing made the basis of the pending litigation and carefully described in the lawsuit filed in this case; and (b) the term "property" or "subject property" refers to property owned by the Plaintiffs adjacent to or near the site of the petroleum release that is the basis of this case.

Pursuant to *Ala. R. Civ. P.* 30(b)(5), Plaintiffs' request the following document regarding the following topics be produced:

1. All documents relating to the cause and subsequent clean-up, remediation and/or testing of the petroleum spill from August 2014 to present in the vicinity of the western ridge of Double Mountain in Shelby County, Alabama adjacent to Plaintiffs' properties.

2. All documents concerning calculations on the amount of gasoline, or other petroleum product(s) that escaped, leaked or was discharged from the Plantation pipeline adjacent to the Plaintiffs' properties as well as near Belton, South Carolina, including all documentation on how the product was measured, how the determination was made on the total amount of discharged product, the names and qualifications of the individuals who were involved in making the calculation, and all internal and external reports concerning the amount of discharged product and supporting documents.

3. Any and all contracts or agreements entered into with any Defendants relating to the spill.

4. Any and all documents evidencing communication with any of the Plaintiffs.

5. Testimony, including evidence and documentation, of all clean-up costs expended by the Defendants to date for the spill leak and/or discharge that is the subject of this case.

6. Plans and cost estimates of future expenditures planned to continue to monitor and remediate the spill, discharge and/or product release in question.

7. Testimony for the five (5) year period prior to the spill concerning any and all spills or remediations involving Plantation or Kinder Morgan pipelines.

8. Any warnings that were provided, at any time, by any Defendant, to the Plaintiffs concerning the potential for petroleum leaks, discharges or environmental hazards resulting from the subject spill. This also includes any actual warnings provided by the Defendants to the Plaintiffs concerning the condition of the water flowing from the spill site and any other hazards including air vapors and/or land conditions.

9. All reports to regulatory agencies, excluding ADEM, in any way concerning the subject spill, release or discharge that is the subject of this litigation.

10. All documents related to the spill and subsequent testing, remediation and clean-up.

11. Identification of all environmental lawsuits involving the Defendants filed within the past ten (10) years.

12. All groundwater and/or surface sampling test results in any way relating to the subject spill.

13. All ambient air sampling results relating to the subject spill.

14. The corporate description, including the corporate history, safety policy, environmental policy and statement on corporate ethics of each defendant company.

15. The corporate structure of each defendant company in terms of the officers and administrative hierarchy that make up the “chain of command” of the Defendants.

16. All communications between the Defendants and representatives of Plantation/Kinder Morgan regarding the spill and subsequent testing, remediation or clean-up.

This the 30<sup>th</sup> day of March, 2017.

Respectfully submitted,

/s/ Jeff Friedman

Jeff Friedman (FRI018)

jfriedman@friedman-lawyers.com

Lee Patterson (PAT060)

lpatterson@friedman-lawyers.com

Attorneys for Plaintiffs

**OF COUNSEL:**

FRIEDMAN, DAZZIO ZULANAS & BOWLING, P.C.

P.O. Box 43219

Birmingham, AL 35243-3219

Ph# 205-278-7000

Fax# 205-278-7001

**SERVICE ON DEFENDANTS VIA CERTIFIED MAIL  
WITH THE COMPLAINT:**

Plantation Pipe Line Company

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan Energy Partners, L.P.

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan Management, LLC

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan, Inc.

c/o CT Corporation System

2 North Jackson Street, Suite 605

Montgomery, AL 36104

Kinder Morgan G.P., Inc.

c/o CT Corporation System

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Bhate Environmental Associates, Inc.  
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Suite 300  
Birmingham, AL 35205





## AlaFile E-Notice

58-CV-2017-900308.00

To: JEFFREY E. FRIEDMAN  
jfriedman@friedmanleak.com

---

## NOTICE OF ELECTRONIC FILING

---

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL  
58-CV-2017-900308.00

The following complaint was FILED on 3/30/2017 7:43:31 PM

Notice Date: 3/30/2017 7:43:31 PM

MARY HARRIS  
CIRCUIT COURT CLERK  
SHELBY COUNTY, ALABAMA  
POST OFFICE BOX 1810  
112 NORTH MAIN STREET  
COLUMBIANA, AL, 35051

205-669-3760  
mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

To: PLANTATION PIPE LINE COMPANY  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

To: KINDER MORGAN ENERGY PARTNERS, L.P.  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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MONTGOMERY, AL, 36104

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MONTGOMERY, AL, 36104

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mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

To: KINDER MORGAN G.P., INC.  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

To: CH2M HILL, INC.  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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## AlaFile E-Notice

58-CV-2017-900308.00

To: CH2M HILL ENGINEERS, INC.  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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## AlaFile E-Notice

58-CV-2017-900308.00

To: KINDER MORGAN OPERATING, L.P. "A"  
2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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205-669-3760  
mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

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2 NORTH JACKSON STREET  
SUITE 605  
MONTGOMERY, AL, 36104

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COLUMBIANA, AL, 35051

205-669-3760  
mary.harris@alacourt.gov



## AlaFile E-Notice

58-CV-2017-900308.00

To: BHATE ENVIRONMENTAL ASSOCIATES, INC.  
1608 13TH AVENUE SOUTH  
SUITE 300  
BIRMINGHAM, AL, 35205

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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

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State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** PLANTATION PIPE LINE COMPANY, 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
*(Name and Address)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of WILLIAM UPTON  
 \_\_\_\_\_  
*(Name)*

3/30/2017 7:43:31 PM                      /s/ MARY HARRIS                      By: \_\_\_\_\_  
*(Date)*    *(Signature of Clerk)*    *(Name)*

☒ Certified Mail is hereby requested.                      /s/ JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE:**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name)*    *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

<i>(Type of Process Server)</i>	<i>(Server's Signature)</i>	<i>(Address of Server)</i>
<i>(Server's Printed Name)</i>	<i>(Phone Number of Server)</i>	

State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN ENERGY PARTNERS, L.P., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
*(Name and Address)*

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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

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 pursuant to the Alabama Rules of the Civil Procedure. \_\_\_\_\_  
*(Name)*

3/30/2017 7:43:31 PM \_\_\_\_\_ By: \_\_\_\_\_  
*(Date)* *(Signature of Clerk)* *(Name)*

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 \_\_\_\_\_  
*(Plaintiff's/Attorney's Signature)*

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 \_\_\_\_\_  
*(Name)* *(Name of County)*

Alabama on \_\_\_\_\_  
 \_\_\_\_\_  
*(Date)* *(Server's Signature)* *(Address of Server)*

\_\_\_\_\_  
*(Type of Process Server)* *(Server's Printed Name)* \_\_\_\_\_  
 \_\_\_\_\_  
*(Phone Number of Server)*

**Court Case Number:**  
58-CV-2017-900308.00

(Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> <b>58-CV-2017-900308.00</b>
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
*(Name and Address)*

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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

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3/30/2017 7:43:31 PM /s/ MARY HARRIS By: \_\_\_\_\_  
*(Date)* *(Signature of Clerk)* *(Name)*

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*(Plaintiff's/Attorney's Signature)*

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Alabama on \_\_\_\_\_  
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\_\_\_\_\_  
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN G.P., INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
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 (Name and Address)

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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
 [Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
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3/30/2017 7:43:31 PM \_\_\_\_\_ By: \_\_\_\_\_  
 (Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
 (Plaintiff's/Attorney's Signature)

**RETURN ON SERVICE:**

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 \_\_\_\_\_ in \_\_\_\_\_ County,  
 (Name) (Name of County)

Alabama on \_\_\_\_\_  
 (Date) (Server's Signature) (Address of Server)

\_\_\_\_\_  
 (Type of Process Server) (Server's Printed Name) \_\_\_\_\_  
 (Phone Number of Server)



State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** CH2M HILL, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
 (Name and Address)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
 [Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
 [Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

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 pursuant to the Alabama Rules of the Civil Procedure. \_\_\_\_\_  
 (Name)

3/30/2017 7:43:31 PM \_\_\_\_\_ By: \_\_\_\_\_  
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 (Name) (Name of County)

Alabama on \_\_\_\_\_  
 (Date)

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 (Type of Process Server)

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 (Server's Signature)

\_\_\_\_\_  
 (Server's Printed Name)

\_\_\_\_\_  
 (Address of Server)

\_\_\_\_\_  
 (Phone Number of Server)



State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN OPERATING, L.P. "A", 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
 \_\_\_\_\_  
 (Name and Address)

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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
 [Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
 [Address(es) of Plaintiff(s) or Attorney(s)]

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 (Name)

3/30/2017 7:43:31 PM \_\_\_\_\_ By: \_\_\_\_\_  
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 \_\_\_\_\_  
 (Plaintiffs/Attorney's Signature)

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 \_\_\_\_\_ in \_\_\_\_\_ County,  
 (Name) (Name of County)

Alabama on \_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Type of Process Server)

\_\_\_\_\_  
 (Server's Signature)

\_\_\_\_\_  
 (Server's Printed Name)

\_\_\_\_\_  
 (Address of Server)

\_\_\_\_\_  
 (Phone Number of Server)

State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN OPERATING, L.P. "B", 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

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 pursuant to the Alabama Rules of the Civil Procedure. *(Name)*

3/30/2017 7:43:31 PM /s/ MARY HARRIS By: \_\_\_\_\_  
*(Date)* *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ JEFFREY E. FRIEDMAN  
*(Plaintiff's/Attorney's Signature)*

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*(Name)* *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)* \_\_\_\_\_ \_\_\_\_\_  
*(Type of Process Server)* *(Server's Signature)* *(Address of Server)*

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*(Server's Printed Name)* *(Phone Number of Server)*

State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** BHATE ENVIRONMENTAL ASSOCIATES, INC., 1608 13TH AVENUE SOUTH SUITE 300, BIRMINGHAM, AL 35205  
 \_\_\_\_\_  
*(Name and Address)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

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 pursuant to the Alabama Rules of the Civil Procedure. *(Name)*

3/30/2017 7:43:31 PM /s/ MARY HARRIS By:  
*(Date)* *(Signature of Clerk)* *(Name)*

☒ Certified Mail is hereby requested. /s/ JEFFREY E. FRIEDMAN  
*(Plaintiff's/Attorney's Signature)*

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*(Date)*

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 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name)* *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)* *(Server's Signature)* *(Address of Server)*

*(Type of Process Server)* *(Server's Printed Name)* *(Phone Number of Server)*

State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> <b>58-CV-2017-900308.00</b>
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** BHATE ENVIRONMENTAL ASSOCIATES, INC., 1608 13TH AVENUE SOUTH SUITE 300, BIRMINGHAM, AL 35205

(Name and Address)

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JEFFREY E. FRIEDMAN

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242

(Address(es) of Plaintiff(s) or Attorney(s))

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**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

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(Name)

pursuant to the Alabama Rules of the Civil Procedure.

4/5/17 3/30/2017 7:43:31 PM (Date)      /s/ MARY HARRIS (Signature of Clerk)      By: [Signature] (Name)

---

☒ Certified Mail is hereby requested.      /s/ JEFFREY E. FRIEDMAN (Plaintiff's/Attorney's Signature)

---

**RETURN ON SERVICE:**

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(Name)

Alabama on \_\_\_\_\_ (Date)      \_\_\_\_\_ (Server's Signature)

\_\_\_\_\_ (Type of Process Server)      \_\_\_\_\_ (Server's Printed Name)

**58-CV-2017-9**  
 WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL

C001 - WILLIAM UPTON (Plaintiff)      v.      PLANTATION PIPE LINE COMPANY ET AL (Defendant)



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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN OPERATING, L.P. "B", 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
(Name and Address)

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 JEFFREY E. FRIEDMAN  
(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
(Address(es) of Plaintiff(s) or Attorney(s))

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(Name)  
 pursuant to the Alabama Rules of the Civil Procedure.

4/5/17 3/30/2017 7:43:31 PM /s/ MARY HARRIS By: [Signature]  
(Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ JEFFREY E. FRIEDMAN  
(Plaintiff's/Attorney's Signature)

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(Name)  
 Alabama on \_\_\_\_\_  
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(Type of Process Server) (Server's Printed Name)

**58-CV-2017-90**  
 WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL

C001 - WILLIAM UPTON v. \_\_\_\_\_  
(Plaintiff)

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State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN OPERATING, L.P. "A", 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
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 (Name and Address)

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 JEFFREY E. FRIEDMAN  
 \_\_\_\_\_  
 (Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
 \_\_\_\_\_  
 (Address(es) of Plaintiff(s) or Attorney(s))

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 (Name)

4/5/17 3/30/2017 7:43:31 PM \_\_\_\_\_  
 (Date) (Signature of Clerk) By: So  
 (Name)

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 /s/ JEFFREY E. FRIEDMAN  
 (Plaintiff's/Attorney's Signature)

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 (Date)


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 \_\_\_\_\_ in \_\_\_\_\_  
 (Name)

Alabama on \_\_\_\_\_  
 (Date) (Server's Signature)

\_\_\_\_\_  
 (Type of Process Server) (Server's Printed Name)

**58-CV-2017-900**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

C001 - WILLIAM UPTON v. \_\_\_\_\_  
 (Plaintiff)



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☐ Adult Signature Required \$ \_\_\_\_\_  
☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_  
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State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> <b>58-CV-2017-900308.00</b>
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** CH2M HILL ENGINEERS, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104  
(Name and Address)

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 JEFFREY E. FRIEDMAN  
(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242  
(Address(es) of Plaintiff(s) or Attorney(s))

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4/5/17 3/30/2017 7:43:31 PM /s/ MARY HARRIS By:                       
(Date) (Signature of Clerk) (Name)

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(Plaintiff's/Attorney's Signature)

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(Name)


Alabama on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Server's Signature)

\_\_\_\_\_  
(Type of Process Server) (Server's Printed Name)

**58-CV-2017-90**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

C001 - WILLIAM UPTON v. \_\_\_\_\_  
(Plaintiff)



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage		
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Total Postage and Fees		
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State of Alabama Unified Judicial System Form C-34 Rev. 7/2016	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number:</b> 58-CV-2017-900308.00
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**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** CH2M HILL, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104

(Name and Address)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),

JEFFREY E. FRIEDMAN

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of WILLIAM UPTON pursuant to the Alabama Rules of the Civil Procedure. (Name)

4/5/17 3/30/2017 7:43:31 PM /s/ MARY HARRIS By: [Signature]  
 (Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ JEFFREY E. FRIEDMAN  
(Plaintiff's/Attorney's Signature)


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**58-CV-2017-**  
**WILLIAM UPTON ET AL V. PLANTA**  
**C001 - WILLIAM UPTON**  
(Plaintiff)



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Unified Judicial System  
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**SUMMONS**  
**- CIVIL -**

**Court Case Number:**  
**58-CV-2017-900308.00**

**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**  
**WILLIAM UPTON ET AL V. PLANTATION PIPE LINE COMPANY ET AL**

**NOTICE TO:** KINDER MORGAN, INC., 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104

(Name and Address)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
JEFFREY E. FRIEDMAN

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 3800 CORPORATE WOODS DRIVE, BIRMINGHAM, AL 35242

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

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4/5/17 9/30/2017 7:43:31 PM  
(Date)

/s/ MARY HARRIS  
(Signature of Clerk)

By: [Signature]  
(Name)

- ☒ Certified Mail is hereby requested.

/s/ JEFFREY E. FRIEDMAN  
(Plaintiff's/Attorney's Signature)

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**58-CV-2017-9**

WILLIAM UPTON ET AL V. PLANTATIC

C001 - WILLIAM UPTON

(Plaintiff)



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